



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,703	12/29/2003	Herbert Brunner	12406-12001 / P2001,0463	5888
26161 7590 06/26/2007 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WILLIAMS, ALEXANDER O	
			ART UNIT 2826	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,703

Applicant(s)

BRUNNER ET AL.

Examiner

Alexander O. Williams

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-86 is/are pending in the application.
- 4a) Of the above claim(s) 4-6,8-13 and 16-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/07 & 4/11/07</u> | 6) <input type="checkbox"/> Other: _____ |

Serial Number: 10/747703 Attorney's Docket #: 12406-1200001/P2001,0463USN
Filing Date: 12/29/2003; foreign priority to 6/29/2001

Applicant: Brunner et al.

Examiner: Alexander Williams

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/07 has been entered.

This application is a continuation of application # PCT/DE02/01514, filed 4/25, 2002.

Applicant's Amendment filed 4/11/07 to the election with traverse of species I (claims 1, 2, 3, 7, 14 and 15), filed 10/5/05, has been acknowledged. Applicant's amendment has added to the claims several non-elected species elements into the claim structure for continued prosecution of this application.

This application contains claims 4-6, 8-13 and 16-86 drawn to an invention non-elected with traverse.

Claim 3 has been cancelled.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2826

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 7, 14 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Roberts (U.S. Patent Application Publication # 2004/0084681 A1).

1. Roberts (figures 1 to 11) specifically figures 3 and 4 show a surface-mounting radiation-emitting component **100**, comprising: a

Art Unit: 2826

leadframe **102,106** and a radiation-emitting chip **105** mounted on said leadframe; a molding material **104** encasing said leadframe and said radiation-emitting chip, the molding material having a shape defining a mounting surface of the component, said mounting surface extending at a first predetermined angle, said first predetermined angle having a value lying within a range from 0 degrees to 20 degrees relative to a main emission direction of the component **(Note: by including the 0 degrees refer that range can be 0 degrees relative to a main emission direction of the component)**, said molding material having a shape defining a curved surface **(110, top surface of 108)** in the main emission direction; said leadframe having leadframe connections, wherein said leadframe connections protrude out **(leadframe protrudes out of the side surface of 104)** of said molding material and have connection surfaces which enclose a second predetermined angle with said mounting surface, said second predetermined angle having a value lying within a range from 70 degrees to 90 degrees.

2. The component according to claim 1, Roberts show wherein said leadframe connections, viewed from said mounting surface, are led laterally out of said molding material.

7. The component according to claim 1, Roberts show wherein said leadframe connections extend up to a mounting plane defined by said mounting surface.

14. The component according to claim 1, Roberts show wherein said radiation-emitting chip contains a compound selected from the group consisting of GaN, InGaN, AlGaN, InAlGaN, ZnS, ZnSe, CdZnS and CdZnSe.

15. The component according to claim 1, Roberts show wherein said radiation-emitting chip is configured to emit radiation

selected from the group consisting of visible light, infrared radiation, and ultraviolet electromagnetic radiation.

Claims 1, 2, 7, 14 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stalions (U.S. Patent Application Publication # 2002/0097579 A1).

1. Roberts et al. (figures 1 to 9) specifically figures 1 and 2 show a surface-mounting radiation-emitting component **10**, comprising: a leadframe **14** and a radiation-emitting chip **11** mounted on said leadframe; a molding material **16** encasing said leadframe and said radiation-emitting chip, the molding material having a shape defining a mounting surface of the component, said mounting surface extending at a first predetermined angle, said first predetermined angle having a value lying within a range from 0 degrees to 20 degrees relative to a main emission direction of the component **(Note: by including the 0 degrees refer that range can be 0 degrees relative to a main emission direction of the component)**, said molding material having a shape defining a curved surface **12** in the main emission direction; said leadframe having leadframe connections, wherein said leadframe connections protrude out **(leadframe protrudes out of the side surface of 16)** of said molding material and have connection surfaces which enclose a second predetermined angle with said mounting surface, said second predetermined angle having a value lying within a range from 70 degrees to 90 degrees.

2. The component according to claim 1, Stalions show wherein said leadframe connections, viewed from said mounting surface, are led laterally out of said molding material.

Art Unit: 2826

7. The component according to claim 1, Stalions show wherein said leadframe connections extend up to a mounting plane defined by said mounting surface.

14. The component according to claim 1, Stalions show wherein said radiation-emitting chip contains a compound selected from the group consisting of GaN, InGaN, AlGaN, InAlGaN, ZnS, ZnSe, CdZnS and CdZnSe.

15. The component according to claim 1, Stalions show wherein said radiation-emitting chip is configured to emit radiation selected from the group consisting of visible light, infrared radiation, and ultraviolet electromagnetic radiation.

Response

Applicant's arguments filed 4/11/07 have been fully considered, but are moot in view of the new grounds of rejections detailed above.

The listed references are cited as of interest to this application, but not applied at this time.

Field of Search	Date
U.S. Class and subclass: 257/99,100,81,89,603,103,788,13,98,434,680,e33.057,e3 3.066,e33.059,e33.057,e33.072,e33.058,e33.057 362/241,247,249,800 313/486,467,512,498,113 372,45,46,43, 252/301.36 250/552	10/30/05 7/29/06 9/3/06 6/20/07
Other Documentation: foreign patents and literature in 257/99,100,81,89,603,103,788,13,98,434,680,e33.057,e3 3.066,e33.059,e33.057,e33.072,e33.058,e33.057 362/241,247,249,800 313/486,467,512,498,113 372,45,46,43, 252/301.36 250/552	10/30/05 7/29/06 9/3/06 6/20/07

Art Unit: 2826

Electronic data base(s): U.S. Patents EAST	10/30/05 7/29/06 9/3/06 6/20/07
---	--

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander O. Williams whose telephone number is (571) 272 1924. The examiner can normally be reached on M-F 6:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272 1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander O Williams
Primary Examiner
Art Unit 2826

AOW
6/20/07